

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

**BRIAN DAVID ROBERDS,**

**Petitioner,**

**vs.**

**UNITED STATES OF AMERICA,**

**Respondent.**

**Case No. 1:16-CV-150 SNLJ**

**MEMORANDUM and ORDER**

This case is before the Court on Roberds' 28 U.S.C. § 2255 petition asking that his 162-month sentence for conspiracy to distribute methamphetamine be set aside (#2). The sole basis for his request is that *Johnson v. United States*, 135 U.S. 2551 (2015) invalidated the classification of his prior Missouri conviction for unlawful use of a weapon as a crime of violence, and that as a result, he was mistakenly sentenced as a career offender under United States Sentencing Guidelines § 4B1.1. Since the petition was filed, the Supreme Court handed down *Beckles v. United States*, 137 S.Ct. 886 (2017), which effectively held that petitioner's unlawful use of a weapon conviction was indeed a crime of violence for sentencing guidelines purposes. Petitioner's counsel concedes the point.

Accordingly the petition is denied.

So ordered this 29th day of July, 2019.



STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE